

REMARKS/ARGUMENTS

Claims 1-84 are currently pending in this application.

The Office Action of September 7, 2006 has required restriction to one of the following groups under 35 U.S.C. §121:

Group I: Claims 1-9, 40, 47-64, 72-84, drawn to methods of nucleic acid sequencing, classified in class 435, subclass 6.

Group II: Claims 10-39, 41-46, and 65-71, drawn to a molecular biology apparatus, classified in class 435, subclass 283.1.

Applicants hereby elect Group I, encompassing Claims 1-9, 40, 47-64, and 72-84, with traverse, for further examination on the merits.

The MPEP sets forth two requirements for restriction to be proper. First, the claims must independent or distinct. Second, if the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions (MPEP §803; emphasis added).

Groups I and II are both classified in class 435, which implies that the subject matter of the two Groups share features and characteristics that warrant common classification. As the Office Action admits at page 2, a search of the two groups would be expected to partially overlap, which suggests that search of the claims of Group I would necessarily be co-extensive with a search of Group II. Despite the Office Action's contention that the two searches would be conducted differently, Applicants respectfully submit that it would not constitute an undue burden for the Examiner to search and examine Groups I and II together.

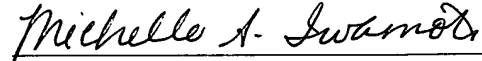
The claims as presented herein and originally filed represent a web of knowledge and continuity of effort that merits examination as a single application. Restriction has not shown to be proper in view of the common classification of both Groups and would result in unnecessary expenditures by both Applicants and the USPTO. At least all of these reasons mitigate against restriction. Reconsideration and withdrawal of the restriction requirement is therefore respectfully requested.

CONCLUSION

Examination on the merits of the instant case is respectfully requested. If there are any questions regarding this Response, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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